

## EMILY HAY

Solicitor admitted in New South Wales  
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Nationalities: Australian, Belgian

### PROFESSIONAL EXPERIENCE

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#### **Hanotiau & van den Berg, Brussels, Belgium**

*Counsel: March 2020 – present*

*Senior Associate: April 2018 – February 2020*

*Associate: March 2014 – March 2018*

- Arbitrator, counsel, tribunal secretary and assistant to tribunal in international commercial and investment treaty arbitrations, both ad hoc and under various institutional rules (ICC, LCIA, SCC, ICSID, SIAC, UNCITRAL, CEPANI, DIAC, DIFC-LCIA).
- Court litigation related to the set-aside and enforcement of arbitral awards.
- Matters covering a range of sectors, including nuclear energy, hydropower, fuel cell technology, oil and gas, banking, aggregates, construction, medical devices, IP, real estate, services, military equipment, consumer appliances, fast food, and aviation, and agreements including, *inter alia*, investment treaties, shareholder agreements, joint venture agreements, licence agreements, fundraising agreements, note subscription agreements and public procurement contracts.
- Advising on European privacy and data protection law, including GDPR compliance and the drafting of privacy policies and terms of use for mobile apps.
- Representative matters include:
  - o Sole Arbitrator in an ICC arbitration under a fundraising agreement governed by Singapore law, seated in Singapore.
  - o Co-arbitrator in a DIFC-LCIA arbitration under a shareholders' agreement governed by English law, seated in Dubai.
  - o Counsel for respondent in an ICC arbitration in the banking sector regarding a share purchase agreement governed by Dutch law, seated in Paris.
  - o Advising on GDPR compliance and drafting the privacy policy and terms of use for a mobile application for the exercise of individual consumer rights, launched across Europe and worldwide post-GDPR.
  - o Advising on GDPR compliance and drafting the privacy policies and terms of use for a series of mobile applications in the fashion, events, information and sporting fields, launched in Europe, the Middle East, and the United States (pre- and post-GDPR).
  - o Tribunal Secretary in a SIAC arbitration related to real estate development, governed by Cambodian law, seated in Singapore.
  - o Tribunal Secretary in an ICC arbitration related to construction, governed by Korean law, seated in Seoul.

## **Lorenz International Lawyers, Brussels, Belgium**

*Associate: April 2013 – March 2014*

*Trainee lawyer: April 2012 – March 2013*

- Advising on issues of public international law, including sovereignty and jurisdiction, immunities of international organisations, and international courts and tribunals.
- Advising on privacy and data protection law, with a focus on new technology such as cloud computing, medical devices, and social media in the workplace.

## **Africa Middle East Refugee Assistance, Cairo, Egypt**

*Refugee Status Determination Team: September 2008 – August 2010*

- Team leader, providing legal aid to refugees and asylum seekers for recognition under the Refugee Convention.

## EDUCATION

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### **Leiden University, Leiden, the Netherlands**

*Master of Laws in Advanced Studies in Public International Law (cum laude) 2011 – 2012*

- Ranked first in promotion

### **Macquarie University, Sydney, Australia**

*Bachelor of Arts and Bachelor of Laws (First Class Honours) 2002 – 2008*

- Ranked first in promotion in Law
- Exchange year at the University of Copenhagen, including the Jean Pictet International Moot Competition in International Humanitarian Law

## PUBLICATIONS

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- ‘Data Protection and International Arbitration: Never the Twain Shall Meet?’ in P. Ortolani et al, *International Arbitration and Technology* (Wolters Kluwer, forthcoming)
- ‘Consumer Protection’ in J. R. Mata Dona and N. Lavranos (eds), *International Arbitration and EU Law* (Edward Elgar, 2021), with Niuscha Bassiri
- ‘The Invisible Arm of GDPR in International Treaty Arbitration: Can’t We Make It Go Away?’, *Kluwer Arbitration Blog* (29 August 2019)
- ‘The CETA Opinion of the CJEU: Right of Access to an Independent Tribunal’, *Viewpoint* (The UK Law Societies’ Joint Brussels Office, May 2019)
- ‘The Future of ISDS: Can’t See the Wood or the Trees’, *Kluwer Arbitration Blog* (28 February 2019), with Maarten Draye
- ‘Winds of Change? Confidentiality and Transparency in International Commercial Arbitration’ in C. González-Bueno (ed), *40 under 40: International Arbitration* (Dykinson, S.L., 2018)
- ‘Arbitral Secretaries: Unnecessary Nuisance or Unsung Hero – A Practitioner’s View’ in *Arbitral Secretaries: Reports from the joint NAI-CEPANI colloquium held on October 5, 2017* (Wolters Kluwer, 2018), with Maarten Draye
- *Diplomatic Law in Belgium* (Maklu Publishers, 2014), with Prof Frédéric Dopagne and Bertold Theeuwes
- ‘International(ized) Constitutions and Peacebuilding’ (2014) 27 *Leiden Journal of International Law* 141

- Australia section of 'Privacy, E-Commerce, and Data Security' (2013) 47 *The International Lawyer* 99 (International Legal Developments Year in Review: 2012, ABA Section of International Law)
- Contributions in *The Privacy Advisor* (International Association for Privacy Professionals) with Jan Dhont regarding BCRs for Processors (June 2013); EU Data Protection Reforms (December 2012, May 2012); Social Media (October 2012); Australian privacy law reform (July 2012)
- 'Refugee Status in Australia and the Cessation Provisions: QAAH of 2004 v MIMIA' (2006) 31 *Alternative Law Journal* 147, with Dr Susan Kneebone

## SPEAKING ENGAGEMENTS

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- Speaker, 'Renewable Energy and ESG', MNLU Mumbai Centre for Arbitration and Research, Global Energy Arbitration Conference (webinar, 4 December 2021)
- Speaker, 'Winning Strategy for Asian Parties and In-house Counsel with Civil Law Background', ICC YAF and CI Arb Taiwan Chapter, Taiwan Arbitration Week (Taipei, 26 October 2021)
- Speaker, 'Get Your Act Together: Everything You Need to Know About Data Protection in International Arbitration', Paris Arbitration Week (webinar, July 2020)
- Speaker, 'Alternative Dispute Resolution and Matters of Global Importance: Security of Critical Infrastructure in the Digital Age', CI Arb Dispute Appointment Service Convention (London, November 2019)
- Speaker, 'Efficiency and Transparency in International Investment Arbitration', Le Café Des Arbitres, Queen Mary University School of International Arbitration (Paris, May 2019)
- Speaker, 'CJEU Opinion Concerning the CETA Investment Court System', UK Law Societies' Legal Breakfast Series (Brussels, May 2019)
- Speaker, 'Investment Arbitration and EU Law', CEPANI40 Seminar (Brussels, May 2019)
- Moderator, 'Oral Advocacy', Young ICCA Skills Training Workshop on Written and Oral Advocacy in International Arbitration (Copenhagen, April 2019)
- Speaker, 'Inside the Arbitrator's Mind: What Costs are Awarded and How are they Allocated?', ASA Below 40 Seminar (Zurich, November 2018)
- Guest Lecturer, 'Arbitration and Advocacy: Practical Session', ICHEC Business and Management School (Brussels, November 2018, December 2015)
- Faculty Member, ICC Institute Training for Tribunal Secretaries (Singapore, June 2017)

## AWARDS / ENDORSEMENTS

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- Future Leader, Who's Who Legal: Arbitration 2021, 2022
- Honourable Mention (Second Place team), Young Arbitrators Match (2016)

## PROFESSIONAL ACTIVITIES

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- Founding Member, ARBinBRIEF, a practical video guide on handpicked arbitration issues
- Young ICCA Mentoring Programme Coordinator, 2020-2022; Buddy 2018-2019
- Rapporteur to the ICCA Judiciary Committee, August 2020 - present
- Member of the ICC Commission on Arbitration and ADR; ICC Commission's Taskforce on Addressing Issues of Corruption in International Arbitration
- Business at the OECD (BIAC) Anti-Corruption Committee

- Rapporteur to the ICCA-IBA Joint Task Force on Data Protection in International Arbitration Proceedings
- Steering Committee, ICC YAF Events: “Read Between the Lines. The Unwritten Rules of a Career in International Arbitration”, (Part I: 14 May 2021; Part II: scheduled January 2022)
- Steering Committee, ICC YAF Event: “BXL DebateFest”, postponed in March 2020
- Steering Committee, CEA-40 Event: “Jurisdiction and Evidence in Sports Arbitration”, 21 February 2020
- Member of ICCA, Young ICCA, IBA, ICC Australia, ICC YAF, CEA, CEA-40, ArbitralWomen, CEPANI40, YIAG, ACICA 45, YSIAC, HK45

## ADMISSION / REGISTRATION

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- Admitted in the Supreme Court of New South Wales (2013)
- Registered at the Brussels Bar (B-list) (2013)
- KCAB INTERNATIONAL Panel of International Arbitrators (2021)
- HKIAC List of Arbitrators (2021)

## LANGUAGES

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- English (mother tongue), French (working proficiency), Spanish (working proficiency)